In the Supreme Court of the United States

OCTOBER TERM, 1941

Nos. 875–883, 988

GROUP OF INSTITUTIONAL INVESTORS, ET AL., PETITIONERS

v.

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, ET AL.

RECONSTRUCTION FINANCE CORPORATION, PETITIONER

v.

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, ET AL.

MEMORANDUM FOR THE INTERSTATE COMMERCE COMMISSION, AS AMICUS CURIAE

The Interstate Commerce Commission, as *amicus curiae*, urges this Court to grant the petitions for writs of certiorari in these cases. The interest of the Interstate Commerce Commission arises from the fact that under subdivision (d) of Section 77 of the Bankruptcy Act the Commission is charged with the duty of certifying to the district courts plans of reorganization for rail-

447992—42.

road corporations which are in reorganization under Section 77. The Commission has already certified many such plans to the appropriate district courts and will be obliged to certify others in the future. In view of the doubt created by the decision below when compared with the decision of the same court in *Matter of Chicago & North Western Ry. Co.*, decided February 9, 1942, and the decision of the Circuit Court of Appeals for the Ninth Circuit in *Matter of Western Pacific R. R. Co.*,[1] it is important to the efficient performance of the commission's duties under Section 77 that the procedure to be followed and the findings to be made by the Commission should be established by a definitive decision of this Court.

Respectfully submitted.

CHARLES FAHY,
Solicitor General.

DANIEL W. KNOWLTON,
Chief Counsel, Interstate Commerce Commission.

MARCH 1942.

[1] Now pending in this Court on petitions for writs of certiorari as Nos. 819–820, 885, 989, this Term.

U. S. GOVERNMENT PRINTING OFFICE: 1942